

**RESOLUTION NO. 14-029**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS  
RECOMMENDING THE CITY COUNCIL APPROVE ZONING AMENDMENT NO.  
ZA14-0009 TO CLARIFY WHEN RETAIL/COMMERCIAL DEVELOPMENT  
PROJECTS MAY MEET THEIR PARKING REQUIREMENTS WITH ON-STREET  
PARKING**

**WHEREAS**, Section XI-10-53.13.A of the Milpitas Zoning Code sets forth the standards for location of parking spaces for various uses in the City of Milpitas; and

**WHEREAS**, the Planning Division of the City of Milpitas is requesting an amendment to the Milpitas Zoning Code to provide clarification on when commercial service and retails uses in the Midtown and Transit Specific Plan areas may meet their parking requirements with on-street parking; and

**WHEREAS**, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project exempt under CEQA. The project is exempt from further CEQA review under Section 15061(b)(3) of the CEQA Guidelines (Review for Exemption) because the project has no potential to cause a significant effect on the environment since these are policy amendments that clarify existing regulations and approval authority; and

**WHEREAS**, on July 23, 2014, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

**NOW THEREFORE**, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

**Section 1:** The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

**Section 2:** The project is categorically exempt under Section 15061(b)(3) of the CEQA Guidelines in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment because the project involves providing clarification on when on-street parking on public streets, public right-of-way, or public areas can be allocated to a retail/commercial project's parking requirement. Any future projects will be required to conduct complete environmental review under CEQA.

**Section 3:** Zoning Amendment (Section XI-10-57.02(G)(3)) – the Planning Commission makes the following findings based on the evidence in the public record in support of Zoning Amendment No. ZA-14-0009:

*1. The proposed amendment is consistent with the General Plan.*

The project is consistent with the Milpitas General Plan, specifically:

- Policy 2.a I-2: Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.
- Policy 2.a-I-3: Encourage economic pursuits which will strengthen and promote development through stability and balance.
- Policy 2.a-I-5: Maintain policies that promote a strong economy which provides economic opportunities for all Milpitas residents within existing environmental, social fiscal and land use constraints.
- Policy 2.a-I-7: Provide opportunities to expand employment, participate in partnerships with local businesses to facilitate communication, and promote business retention.

The project is consistent with these findings because it furthers the policies of the General Plan by clarifying when on-street parking can be allocated towards a retail/commercial project's parking requirement. This project accommodates infill development by providing a cost effective alternative to satisfy the parking requirement for a development. The ability to count on-street parking towards the parking requirement but limiting the on-street parking spots to fifty percent (50%) or less of the required parking and requiring the on-street parking spots be within three hundred (300) feet from the use will allow the projects to meet the parking requirement for infill development and smaller sized parcels within the City.

This proposed amendment encourages economic pursuits by incentivizing the development community to construct retail and commercial uses to better serve the visitors and residents of the City. Allowing ability project to count on-street parking towards a retail/commercial use will encourage business patrons to support local businesses by providing them the convenience and ease of on-street parking directly in front of the use. This amendment will also promote a strong economy and business retention by increasing the amount of available retail and commercial space within the City while providing convenient parking amenities for patrons. Lastly, on-street parking will encourage foot traffic and business recognition which will create vibrancy.

*2. The proposed amendment will not adversely affect the public health, safety and welfare.*

The project is consistent with this finding because due to its nature, there is no potential to affect the public health, safety and welfare of the general public. Providing clarification on when on-street parking can be utilized for a retail/commercial project is intended to assist the development community, City staff, and all decision makers in determining when on-street parking may be utilized. Furthermore, this project will not affect the public health and safety because it is meant as a tool to assist in decision making and the intent of the public streets is for public use rather

than private use by private development. Any future development project will be required to complete full environmental review under CEQA.

**Section 4:** The Planning Commission of the City of Milpitas hereby adopts **Resolution No. 14-029 recommending the City Council approve an amendment to the Zoning Code to clarify when retail/commercial development projects in the Milpitas Midtown and Transit Specific Plan areas may meet their parking requirements with on-street parking based on the above findings incorporated herein.** A copy of the proposed ordinance is attached hereto as Exhibit 1.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Milpitas on July 23, 2014.

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Chair

**TO WIT:**

**I HEREBY CERTIFY** that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on July 23, 2014, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Lawrence Ciardella				
John Luk				
Rajeev Madnawat				
Sudhir Mandal				
Demetress Morris				
Gurdev Sandhu				
Garry Barbadillo				
Hon Lien (alternate)				